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To: Microsoft ATR
Date: 12/11/01 11:09pm
Subject: Microsoft Settlement.

I have been following this case from the beginning, and all along, I had a lot of faith that the verdict and settlement would be tough, but fair. As silly as it might sound to some in this day and age, I have faith in the judicial system, that most of the time, it sees clearly, and its sense of justice unwavering.

Which is why the Microsoft settlement has shaken me quite a lot. I mean, miscarriages of justice usually occur during the trial---not during the sentencing phase. In particular, I'd never expect to see the following:

- * A just-convicted killer being given a concealed weapons permit, a gun, several boxes of ammo, and a head start;
- * A just-convicted embezzler being given the passwords to the Federal Reserve's computer system, a Swiss bank account, and the master keys for ATMs.
- * A just-convicted monopolist being given an edict to extend their monopoly for pennies on the dollar, lock out most of its competitive threats from competing with it, and make a tidy profit in tax breaks.

And yet, this last one is exactly what has transpired in the proposed settlement.

- * Allowing Microsoft to satisfy the monetary penalties for pennies on the dollar by extending their monopoly to elementary and secondary educational facilities---an area currently represented well by its competitors. This would harm its competitors (Apple, Be, and various Open Source operating systems).
- * Allowing Microsoft to keep private interfaces, documentation or protocols from organizations that don't meet Microsoft's criteria for a business. This would harm its competitors (various Open Source programming efforts).

Software like Samba, Apache, Perl---all terribly useful tools put together by volunteers---would be crippled immeasurably by the restrictions in Section III of the proposed settlement, which would greatly harm the ability of Open Source software to compete on a level playing field, all while allowing Microsoft to support (badly) the Open Source protocols, blaming any poor performance on those efforts (a tactic they've used on a multitude of occasions already).

I hope that the Department of Justice reconsiders this proposal in a new light. The manipulation that Microsoft is doing on this boggles the mind, and yet it

seems disturbingly close to being allowed to happen. Under no circumstances should the convict be allowed to perpetrate the crime as part of the punishment, nor should the convict be allowed to dictate how who against whom they can commit the same crime again, more effectively.

Don't permit this to happen. Please.

---Ken McGlothlen
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